UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JEANETTE VENTRONE, et al.,	
Plaintiffs,))
VS.) No.: 4:22-CV-00513-RWS
WEBSTER UNIVERSITY,	
Defendant.))

DEFENDANT WEBSTER UNIVERSITY'S MOTION TO DISMISS

Defendant Webster University (the "University"), by and through counsel, and pursuant to Federal Rule 12(b)(6) moves the Court for an order dismissing the Plaintiffs' Petition for failure to state a claim upon which relief can be granted. In support, the University states as follows:

- 1. Plaintiffs allege misrepresentations by the University regarding the accreditation status with the Council for the Accreditation of Counseling and Related Educational Programs ("CACREP") of a master's level mental health counseling program.
- 2. While the University denies that it misled Plaintiffs about CACREP accreditation status, even when accepting as true the Plaintiffs' allegations that the University made misrepresentations about its CACREP accreditation status, Plaintiffs fail to state claims upon which relief can be granted.
- 3. Plaintiffs' claims for common law fraud in Count I and violation of the Missouri Merchandising Practices Act, Mo. Rev. Stat. § 407.010, et seq., (the "MMPA") in Count II are barred by Missouri's educational malpractice doctrine because Plaintiffs' damages claims

requires the Court to calculate an alleged diminished value of their education. All claims should

therefore be dismissed.

4. Plaintiffs' MMPA claims should also be dismissed because they are factually

deficient and because Plaintiffs' allegations demonstrate that they pursued coursework at the

University for a business purpose, which requires dismissal of their MMPA claim for lack of

standing.

5. Plaintiffs fail to allege any facts to demonstrate that their claims involve a

transaction in or from Missouri as required under Mo. Rev. Stat. § 407.020.1.

6. The Petition's allegations also establish that the transactions at issue were for a

business purpose—not a personal, family, or household purpose as required under Mo. Rev. Stat.

§ 407.05.1(1).

7. Plaintiffs lack standing under the MMPA, and Count II should be dismissed.

8. The University further fully incorporates by reference its contemporaneously filed

memorandum in support.

WHEREFORE, Defendant Webster University respectfully requests that the Court grant

this motion, dismiss all claims with prejudice, award Defendant Webster University its costs and

attorney fees incurred, and grant such further relief as the Court deems just and proper.

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2022, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system and emailed to the following:

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